

fact, one in five LIHEAP households reported they went without food at least 1 day over the last 5 years due to unaffordable energy bills. Twenty-four percent used their stove or oven to provide heat because they could not fill the tanks to provide heat.

On Monday, I visited the home of Aram Ohanian, an 88-year-old veteran who lives in Rhode Island and whose monthly income consists of \$779 in Social Security payments. Money is so tight that Mr. Ohanian sometimes eats at his daughter's house or goes to a local soup kitchen for food. He also gets help from a local food bank. Last year, Mr. Ohanian received a total of \$600 in LIHEAP grants to help him keep his home safe and warm. But even with that assistance, he had to close off parts of his house to reduce energy costs.

In communities throughout this Nation, Mr. Ohanian's story repeats itself. The warning has been issued. We know that prices for energy products are on the rise. We can all foretell the next disaster facing American families. The question is, What will we do to protect these Americans from this upcoming energy storm?

We saw the most vulnerable Americans overwhelmed by rising waters in New Orleans. If we do nothing, we can see other vulnerable Americans overwhelmed by rising energy prices this winter.

First, Senator COLLINS and I, joined by 39 colleagues, are calling on the President and Congress to support \$1.3 billion in emergency LIHEAP funding in the comprehensive supplemental appropriations package for Hurricane Katrina. This funding will provide our Nation's most vulnerable low-income families, seniors, and disabled individuals with affordable energy this winter. This is the additional funding—let me stress additional funding—needed for LIHEAP to maintain the purchasing power it had last year. This money is on top of the \$3 billion we are seeking for the LIHEAP State grant program in the fiscal year 2006 Labor-HHS appropriations bill; the regular LIHEAP funding, if you will.

States are bracing for a crisis caused by the lack of affordable energy, and this funding will ensure low-income families and seniors have warm homes this winter.

Last year, a Rhode Islander receiving \$400 in LIHEAP funds could buy approximately 235 gallons of heating oil, almost a full tank. At \$2.60 a gallon, \$400 will only buy about 150 gallons of oil, a little over half a tank, which might only last about 2½ weeks. And, indeed, the \$2.60 price in Rhode Island is a hard price to find now from oil dealers.

Rhode Island's LIHEAP program estimates the State needs \$21 million to serve the 27,000 households it helped last year. I urge all of my colleagues to join Senator COLLINS and me to support our efforts to secure \$4.3 billion for LIHEAP funding this winter.

Second, we need to invest in energy efficiency. The Weatherization Assistance Program is vital to these efforts. The Weatherization Assistance Program has weatherized 5.3 million homes in the United States during its history, including 30,500 in my State of Rhode Island. The program, on average, saves families \$274 per year and reduces heating bills by 31 percent. Rhode Island's program alone has saved the United States an equivalent of 43 days' worth of oil consumption, or an equivalent of 81 days of gas consumption over the course of the life of this program.

Now is the time to expand this and other energy efficiency programs to serve these families. This is one of those programs that benefits not only individuals of the family by keeping them warm, by saving them money, but collectively benefits this country because one of our great problems is our accelerating demand for energy which drives up prices. If we can control that demand, if we can be more efficient in the use of energy, we can go a long way to help moderate the prices of energy that we face.

In America—one of the wealthiest nations in the world—no family should have to choose between heating their home and putting food on the table for their child. No senior citizen should have to decide to either buy lifesaving prescription drugs or pay their electric bill. But, unfortunately, our Nation's most vulnerable households—working families, seniors living on fixed incomes, and disabled individuals—have to make those very choices.

Third, we need to pass Senator CANTWELL's Energy Emergency Consumer Protection Act, of which I am a co-sponsor. The legislation would ban price gouging at the gas pump in the wake of natural disasters, such as Hurricane Katrina, and would empower Federal regulators to ensure greater market transparency and go after market manipulation of oil and gas prices on an everyday basis.

The administration also must begin to rethink its bankrupt energy policies. Reliable, affordable energy is critical to the social and economic well-being of our Nation. Total energy spending for the Nation this year will approach \$1 trillion, 24 percent higher than in 2004. Energy will claim the biggest share of U.S. output since the end of the oil crisis 20 years ago. This is not good energy policy.

Americans deserve a better energy bill than the one President Bush signed this summer. They deserve an energy bill that raises fuel efficiency standards and provides for oil savings, an energy bill that invests valuable tax dollars—those currently being handed out unnecessarily to oil and gas companies—into the development of renewable fuels and energy efficiency.

Oil and natural gas companies are making record profits while energy prices are overcoming workers' salary increases. These companies do not need

billions of dollars from the Federal Treasury.

The American public deserves greater accountability to ensure oil companies are not engaging in anticompetitive behavior, such as closing down refining capacity to drive up prices.

Hurricane Katrina demonstrated the economic, social, and racial divides that exist in America. As a nation, we must step back and reevaluate our priorities. Now is not the time to cut funding for or underfund social programs, such as LIHEAP, Medicaid, and food stamps, that support working families and seniors while the President proposes tax breaks for casinos, as the Washington Post reported this morning. We must prioritize, and the most vulnerable amongst us must be considered first.

Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. The people of the gulf region deserve our continued support as they rebuild, and as Hurricane Rita threatens the gulf coast of Texas, we must also be prepared to help those Americans affected in its wake.

We cannot, however, forget the millions of Americans who struggle each day to make ends meet. They also deserve our support. I hope the President and the Congress will heed this warning and help build an energy safety net for all Americans beginning with adequate funding for LIHEAP, increasing investment in weatherization, passing sensible legislation such as the Cantwell bill, and revisiting our overall energy policy to make a stronger, more fair, and a more decent place for all of us.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. DAYTON. I thank the Chair.

(The remarks of Mr. DAYTON pertaining to the introduction of S. 1756 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DAYTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JOHN ROBERTS

Mr. OBAMA. Mr. President, thank you very much.

First of all, let me congratulate Senator SPECTER and Senator LEAHY for moving the process of confirming the nomination of Judge Roberts along with such civility, a civility that I believe speaks well of the Senate.

Let me also say that I remain distressed that the White House during this confirmation process, which overall went smoothly, failed to provide critical documents as part of the record that could have provided us with a better basis to make our judgment with respect to the nomination. This White House continues to stymie efforts on the part of the Senate to do its job. I hope with the next nominee who comes up for the Supreme Court that the White House recognizes that in fact it is its duty not just to the Senate but to the American people to make sure we can thoroughly and adequately evaluate the record of every single nominee who comes before us.

Having said that, the decision with respect to Judge Roberts' nomination has not been an easy one for me to make. As some of you know, I have not only argued cases before appellate courts but for 10 years was a member of the University of Chicago Law School faculty and taught courses in constitutional law. Part of the culture of the University of Chicago Law School faculty is to maintain a sense of collegiality between those people who hold different views. What engenders respect is not the particular outcome that a legal scholar arrives at but, rather, the intellectual rigor and honesty with which he or she arrives at a decision.

Given that background, I am sorely tempted to vote for Judge Roberts based on my study of his résumé, his conduct during the hearings, and a conversation I had with him yesterday afternoon.

There is absolutely no doubt in my mind Judge Roberts is qualified to sit on the highest court in the land. Moreover, he seems to have the comportment and the temperament that makes for a good judge. He is humble, he is personally decent, and he appears to be respectful of different points of view. It is absolutely clear to me that Judge Roberts truly loves the law. He couldn't have achieved his excellent record as an advocate before the Supreme Court without that passion for the law, and it became apparent to me in our conversation that he does, in fact, deeply respect the basic precepts that go into deciding 95 percent of the cases that come before the Federal court—adherence to precedence, a certain modesty in reading statutes and constitutional text, a respect for procedural regularity, and an impartiality in presiding over the adversarial system. All of these characteristics make me want to vote for Judge Roberts.

The problem I face—a problem that has been voiced by some of my other colleagues, both those who are voting for Mr. Roberts and those who are voting against Mr. Roberts—is that while

adherence to legal precedent and rules of statutory or constitutional construction will dispose of 95 percent of the cases that come before a court, so that both a Scalia and a Ginsburg will arrive at the same place most of the time on those 95 percent of the cases—what matters on the Supreme Court is those 5 percent of cases that are truly difficult. In those cases, adherence to precedent and rules of construction and interpretation will only get you through the 25th mile of the marathon. That last mile can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy.

In those 5 percent of hard cases, the constitutional text will not be directly on point. The language of the statute will not be perfectly clear. Legal process alone will not lead you to a rule of decision. In those circumstances, your decisions about whether affirmative action is an appropriate response to the history of discrimination in this country or whether a general right of privacy encompasses a more specific right of women to control their reproductive decisions or whether the commerce clause empowers Congress to speak on those issues of broad national concern that may be only tangentially related to what is easily defined as interstate commerce, whether a person who is disabled has the right to be accommodated so they can work alongside those who are nondisabled—in those difficult cases, the critical ingredient is supplied by what is in the judge's heart.

I talked to Judge Roberts about this. Judge Roberts confessed that, unlike maybe professional politicians, it is not easy for him to talk about his values and his deeper feelings. That is not how he is trained. He did say he doesn't like bullies and has always viewed the law as a way of evening out the playing field between the strong and the weak.

I was impressed with that statement because I view the law in much the same way. The problem I had is that when I examined Judge Roberts' record and history of public service, it is my personal estimation that he has far more often used his formidable skills on behalf of the strong in opposition to the weak. In his work in the White House and the Solicitor General's Office, he seemed to have consistently sided with those who were dismissive of efforts to eradicate the remnants of racial discrimination in our political process. In these same positions, he seemed dismissive of the concerns that it is harder to make it in this world and in this economy when you are a woman rather than a man.

I want to take Judge Roberts at his word that he doesn't like bullies and he sees the law and the Court as a means of evening the playing field between the strong and the weak. But given the gravity of the position to which he will undoubtedly ascend and the gravity of

the decisions in which he will undoubtedly participate during his tenure on the Court, I ultimately have to give more weight to his deeds and the overarching political philosophy that he appears to have shared with those in power than to the assuring words that he provided me in our meeting.

The bottom line is this: I will be voting against John Roberts' nomination. I do so with considerable reticence. I hope that I am wrong. I hope that this reticence on my part proves unjustified and that Judge Roberts will show himself to not only be an outstanding legal thinker but also someone who upholds the Court's historic role as a check on the majoritarian impulses of the executive branch and the legislative branch. I hope that he will recognize who the weak are and who the strong are in our society. I hope that his jurisprudence is one that stands up to the bullies of all ideological stripes.

Let me conclude with just one more comment about this confirmation process.

I was deeply disturbed by some statements that were made by largely Democratic advocacy groups when ranking member Senator LEAHY announced that he would support Judge Roberts. Although the scales have tipped in a different direction for me, I am deeply admiring of the work and the thought that Senator LEAHY has put into making his decision. The knee-jerk unbending and what I consider to be unfair attacks on Senator LEAHY's motives were unjustified. Unfortunately, both parties have fallen victim to this kind of pressure.

I believe every Senator on the other side of the aisle, if they were honest, would acknowledge that the same unyielding, unbending, dogmatic approach to judicial confirmation has in large part been responsible for the kind of poisonous atmosphere that exists in this Chamber regarding judicial nominations. It is tempting, then, for us on this side of the aisle to go tit for tat.

But what I would like to see is for all of us to recognize as we move forward to the next nominee that in fact the issues that are confronted by the Supreme Court are difficult issues. That is why they get up to the Supreme Court. The issues facing the Court are rarely black and white, and all advocacy groups who have a legitimate and profound interest in the decisions that are made by the Court should try to make certain that their advocacy reflects that complexity. These groups on the right and left should not resort to the sort of broad-brush dogmatic attacks that have hampered the process in the past and constrained each and every Senator in this Chamber from making sure that they are voting on the basis of their conscience.

Thank you very much, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 6:44 p.m., recessed subject to the call of the Chair and reassembled at 7:06 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

The PRESIDING OFFICER. In my capacity as a Senator from the Commonwealth of Virginia, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HURRICANE TAX RELIEF

Mr. FRIST. Mr. President, last night we cleared by unanimous consent the Grassley-Baucus Hurricane Tax Relief package.

In the wake of Hurricane Katrina—and with Hurricane Rita now bearing down—this legislation is sorely needed.

I want to thank Senator GRASSLEY, Senator BAUCUS and Senator LOTT for their hard work and leadership to get immediate assistance to the hurricane victims.

All of America is pulling together to support the people of Alabama, Louisiana, and Mississippi.

Since Hurricane Katrina devastated the Gulf Coast, Americans from all walks of life, from all across the country, have poured out their hearts to help.

In just 3 weeks, private citizens and businesses have donated hundreds of millions of dollars to assist in the relief and recovery effort.

Schools across the country are opening their doors to the thousands of displaced students.

Communities are taking up collections of blankets, clothes, toys, and food.

Families are literally opening their homes to shelter and comfort the survivors.

In the past three weeks, I've had the opportunity to see, firsthand, America's compassion at work.

In the first week after the hurricane hit, I traveled to the gulf to do volunteer medical work. I flew to the New Orleans airport and met up with medical colleagues I know from Vanderbilt and Boston.

Many had been so moved by the stories they saw and read in the news that

they voluntarily organized themselves to head to the Gulf Coast to offer their help.

I met Knox County volunteers from my home State who had been flying helicopter missions for days.

I saw a constant stream of people pitching in, helping out, and providing spiritual and material comfort.

The bill we passed vitally supports and rewards this tremendous charity.

It recognizes that every sector of civic life is engaged in the massive recovery effort.

For example, families who are housing hurricane survivors will be eligible to receive a personal tax exemption of \$500 for every Katrina victim they take in.

The bill encourages even more cash donations by waiving the income limits that are otherwise discouraging.

The Grassley-Baucus package also rewards contributions from the business sector.

Katrina is estimated to have swept away 400,000 jobs. Under this bill, companies that hire displaced workers are eligible to receive a Working Opportunity Tax Credit of up to \$2400 per employee.

Hundreds of schools are also in desperate need of extra school books for the wave of displaced students coming through their doors.

Under this legislation, companies can receive an enhanced deduction for donating books until the new year. Food donations will also receive an enhanced deduction.

As another way to promote cash donations, the bill increases by 50 percent the amount of cash contributions a company can deduct.

The Grassley-Baucus package also offers help to the hurricane victims, themselves, in both time and money.

It allows families to dip into their retirement funds without penalty so that they can make ends meet while they struggle to regain their footing.

It also makes sure that if a mortgage company or credit card company, for example, decides to forgive a loan or a debt, there won't be any income tax due on that amount.

Another important provision of the bill is its extension of time.

All of these families need time to find a place to live, to get a job, to get back on their feet and rebuild their lives.

To help ease the pressure, people whose homes are located in the presidentially-declared disaster area will have up to 5 years to purchase new property.

Their tax filing deadline will be extended until February of next year.

These are only first steps. But they're important first steps that lift some of the pressure on these traumatized families.

I want to assure these good people that the United States Senate remains hard at work and focused on helping them recover. We are committed to the well being of our fellow citizens.

America is a family. And we pull together in times of need. And we will grow closer, stronger and more compassionate as we confront the challenges ahead.

#### PATRICIA LYNCH

Mr. REID. Mr. President, I rise to pay tribute to Patricia Lynch and to recognize the contributions of Ms. Lynch to the State of Nevada. Patricia Lynch was first elected Reno City Attorney in 1987 and is currently serving her fifth term. She is a tremendous asset to our community and Nation.

For the past 20 years Ms. Lynch has demonstrated a commitment to public service. She has performed countless hours of service to communities in northern Nevada and helped to coordinate and direct the efforts of local charitable organizations.

Patricia began her career in public service as a legislative assistant to Representative John E. Moss from 1975 to 1977 in the United States House of Representatives; she is a current member of the board of directors of the John E. Moss Foundation.

Patricia has also demonstrated unwavering commitment to protecting the rights of women. She is a founding member and 1993 president of Northern Nevada Women Lawyers Association. Her membership on Nevada statewide boards includes the Nevada Prosecution Advisory Council, Nevada Domestic Violence Prevention Council, and the Nevada Commission on Domestic Violence.

In addition to her local and civic contributions, Patricia has served as an ambassador for the United States within the international legal community. She is a member of the World Jurist Association, WJA, and has presented papers at WJA conferences in Kiev, Ukraine in 1998 and Budapest, Hungary in 1999. She has also served as the moderator for local government law panels at WJA conferences in Budapest, Hungary in 1999, Dublin, Ireland in 2001, and Adelaide, Australia in 2003. In January 2003, Patricia participated in hosting the City Planner from Kabul, Afghanistan in a tour of wastewater and drinking water facilities in Reno, NV.

I hope you will join with me in honoring the outstanding achievements of Patricia Lynch and the selfless life she chose.

#### THIRD ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

Mr. REID. Mr. President, Justice Louis Brandeis once said, "The only title in our democracy superior to that of President is the title of citizen." This statement illustrates the paramount importance that the citizen plays within these United States. And, as such, we must continue to learn and teach what it means to be a good citizen.

"Civic education" is the term used to describe the transmitting of knowledge